

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
JEFFREY DESKOVIC,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,  
WESTCHESTER COUNTY, DAVID LEVINE,  
THOMAS MCINTYRE, WALTER BROVARSKI,  
EUGENE TUMOLO, JOHN AND JANE DOE  
SUPERVISORS, DANIEL STEPHENS, LOUIS  
ROH, MILLARD HYLAND, PETER INSERO, and  
LEGAL AID SOCIETY OF WESTCHESTER  
COUNTY,

Defendants.

LINDA MCGARR,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,  
WESTCHESTER COUNTY, DAVID LEVINE,  
THOMAS MCINTYRE, WALTER BROVARSKI,  
EUGENE TUMOLO, JOHN AND JANE DOE  
SUPERVISORS, DANIEL STEPHENS, LOUIS  
ROH, MILLARD HYLAND, PETER INSERO, and  
LEGAL AID SOCIETY OF WESTCHESTER  
COUNTY,

Defendants.

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Index No. 07-CV-8150 (KMK)(GAY)

Index No. 07-CV-9488 (KMK)(GAY)

**THIRD PARTY PLAINTIFF CITY OF  
PEEKSKILL'S NOTICE OF MOTION  
FOR JUDGMENT ON THE  
PLEADINGS PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 12(C) THAT:**

- (a) **Westport Insurance Corporation's Insurance Policies Must Respond to the Allegations in the Deskovic and McGarr Actions;**
- (b) **Underwriters at Lloyd's, London's Insurance Policies and Illinois Union Insurance Company's Insurance Policies Must Respond to the Allegations in the Deskovic and McGarr Actions;**
- (c) **United National Insurance Company's Insurance Policies Must Respond to the Allegations in the Deskovic and McGarr Actions; and,**
- (d) **Harco National Insurance Company's Insurance Policies Must Respond to the Allegations in the Deskovic and McGarr Actions.**

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*Caption continued from previous page*

CITY OF PEEKSKILL,

Third-Party Plaintiff,

vs.

WESTPORT INSURANCE CORPORATION as  
successor-in-interest to NORTH RIVER  
INSURANCE COMPANY, WESTPORT  
INSURANCE CORPORATION as a successor-in-  
interest to INTERNATIONAL INSURANCE  
COMPANY, UNDERWRITERS AT LLOYD'S,  
LONDON, CX REINSURANCE COMPANY  
LIMITED as successor-in-interest to CNA  
INTERNATIONAL REINSURANCE COMPANY,  
CX REINSURANCE COMPANY LIMITED as  
successor-in-interest to CNA REINSURANCE OF  
LONDON, LIMITED, SPHERE DRAKE  
INSURANCE PLC, ILLINOIS UNION  
INSURANCE COMPANY, UNITED NATIONAL  
INSURANCE COMPANY, TRAVELERS  
INDEMNITY COMPANY as successor-in-interest  
to GULF INSURANCE COMPANY, AMERICAN  
MOTORISTS INSURANCE COMPANY as  
successor-in-interest to AMERICAN  
PROTECTION INSURANCE COMPANY,  
AMERICAN MOTORISTS INSURANCE  
COMPANY as successor-in-interest to  
SPECIALTY NATIONAL INSURANCE  
COMPANY, HARCO NATIONAL INSURANCE  
COMPANY, and AMERICAN ZURICH  
INSURANCE COMPANY,

Third-Party Defendants.

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Pursuant to Federal Court Rule of Civil Procedure 12(c), Third-Party Plaintiff, the City of Peekskill (the “City”), by its attorneys, respectfully moves this Court for judgment on the pleadings that the allegations set forth in *Deskovic v. City of Peekskill, et al.*, No. 07-CV-8150 and *McGarr v. City of Peekskill, et al.*, No. 07-CV-9488 trigger the insurance policies sold to the City for the period 1990 through 2006 by Westport Insurance Corporation as successor-in-interest to North River Insurance Company, Underwriters at Lloyd’s, London, Illinois Union Insurance Company, United National Insurance Company, and Harco National Insurance Company.

The accompanying memorandum of law, Affidavit of William G. Passannante, and the exhibits thereto set forth the basis for this motion. Oral argument will be on a date and at a time that the Court designates.

Dated: June 10, 2013

By: /s/ Steven J. Pudell  
**ANDERSON KILL & OLICK, P.C.**  
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PLAINTIFF CITY OF PEEKSKILL**